



Comptroller General
of the United States
Washington, D.C. 20548

Vodrusky
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708261

Decision

Matter of: Aspen Realty
File: B-257357.2
Date: January 26, 1995

DECISION

Aspen Realty protests the award of a contract by the U.S. Department of Housing and Urban Development under request for proposals (RFP) No. H03R94013400000 for property management services.

We dismiss the protest as untimely because it was filed more than 10 days after the protester knew, or should have known, of the basis for its protest.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Under these rules, protests not based upon alleged improprieties in a solicitation must be filed no later than 10 working days after the protester knew, or should have known, of the basis for the protest, whichever is earlier. 4 C.F.R. § 21.2(a)(2). Aspen Realty filed its protest with our Office on December 21, 1994, more than 10 working days after a November 29, 1994 debriefing conducted by the agency at the request of the protester to explain the agency's rationale for award. In this regard, while of the contents of the debriefing were later confirmed in writing, a protester's receipt of oral information forming the basis of its protest is sufficient to start the 10-day time period running; written notification is not required. Swafford Indus., B-238055, Mar. 12, 1990, 90-1 CPD ¶ 268.

Our timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting

or delaying the procurement process. Air Inc.--Recon.,
B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129. In order to
prevent those rules from becoming meaningless, exceptions
are strictly construed and rarely used. Id.

The protest is dismissed.



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